

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1580 — Protections of Medical Conscience

by Rules Committee and Senators Trumbull and Perry

The bill (Chapter 2023-57, L.O.F.) establishes rights of conscience for health care providers and payors. The bill provides legislative intent and provides that a health care provider or payor has the right to opt-out of participation in or payment for a health care service on the basis of a conscience-based objection (CBO).

The bill establishes notification requirements for opting-out and prohibits a payor from opting-out of paying for a service it is contractually obligated to cover during a plan year. The bill also specifies that CBOs are limited to specific health care services, that the bill may not be construed to waive or modify any duty a provider or payor may have for other health care services that do not violate a provider's or payor's conscience, and that nothing in the bill allows a health care provider or payor to opt-out of providing health care services to any patient or potential patient because of that patient's or potential patient's race, color, religion, sex, or national origin.

The bill prohibits health care providers from being discriminated against or suffering adverse action for declining to participate in a health care service based on a CBO. The bill also provides whistle-blower protections for providers or payors in specific situations and specifies that the bill may not be construed to override any requirement to provide emergency medical treatment in accordance with federal or state law.

The bill allows health care providers or payors to file complaints of violations to the Attorney General (AG) and authorizes the AG to bring a civil action for appropriate relief. The bill also provides civil immunity for health care providers and payors solely for declining to participate in a health care service on the basis of a CBO, with some exceptions.

The bill prohibits a health care practitioner regulatory board, or the Department of Health (DOH) if there is no board, from taking disciplinary action against a health care practitioner solely because he or she has spoken or written publicly about a health care service or public policy, including on a social media platform, as long as the speech or written communication does not provide advice or treatment to a specific patient or patients and does not separately violate any other applicable law or rule. The bill also authorizes a board within the DOH to revoke approval of any specialty board for revoking the certification of an individual for the same reason.

These provisions were approved by the Governor and take effect July 1, 2023.

Vote: Senate 28-11; House 84-34